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INSTRVCTIONS AND DIRECTIONS

giuen by His Maieſtie, vnder His great Seale of England, bearing date the 9. *day of Ianuary 1610.*

With certaine Additions to the ſame, for the better explanation thereof:

Giuen alſo vnder his Highneſſe great Seale of England, bearing date the 7. day of February 1610.

Together with certaine new Additions of Inſtructions and Directions, not before publiſhed: Giuen likewiſe vnder His Highneſſe great Seale of England, bearing date the 6. day of Nouember 1617.

To the Maſter and Counſaile of the Court of Wards and Liueries.

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M.DC.XVII.


HONI SOIT QVI MAL Y PENSE

¶ By the King.

IAMES, *by the grace of* GOD *King of England, Scotlande, France and Ireland, Defender of the Faith, &c.* To Our right truſtie, and right welbeloued Couſin and Counſellour *Robert* Earle of Salisbury, Our High Treaſourer of England, and Maſter of Our Court of Wards and Liueries, And to Our truſty and welbeloued the Councell of the ſame Court for the time being, Greeting. WHEREAS it doeth appeare by

common experience, in the courſe which hath beene held, ſince the firſt erection of Our Court of Wards and Liueries, That partly by the ſlackenes of the friends of the Wards, vpon the deceaſe of the parents or Aunceſtours (who haue forborne to offer timely Compoſition, ſometimes with opinion that no Tytle could be ſound for Vs, and ſometimes with purpoſe to ſuppreſſe the ſame) and partly by the ſute of other men, the Cuſtody of the bodies and lands of Our Wards, haue beene committed to ſuch perſons, ſome for one reſpect, ſome for another, as (notwithſtanding the care and prouidence of you the Maſter and Councell of Our Court, to binde them in great Bonds and Couenants for the well educating of the Children, and preſeruation of their inheritance) haue beene careleſſe of their education, married ſome in meane places, committed waſts and ſpoiles vpon their Lands, and in the ende haue exacted greater ſummes of money, for the marriages of ſuch Wards, then they ought to haue done, in reaſon or equitie; not-

with-

withſtanding any their disburſements whatſoeuer for paſſing or procuring the ſame.

And whereas Wee haue beene alſo informed by you the Maſter of Our ſayd Court, that by reaſon of the great difficulties that haue beene found by the Court, vpon ſight of Offices, and Surueyes onely, to ſet downe Compoſitions for Wardſhips and Leaſes of Wards lands, with ſuch equality and moderation betweene Vs, and Our Subiects, as were iuſt and reaſonable; and that through want of due information in that behalfe, much of the profit that you would haue raiſed for Vs, hath beene diuerted to diuers Sutors and Committees, who by obſcuring the trueth of the Wards eſtate, and by miſinforming of the Court therein, haue reaped greater benefite, then was intended, if you could by ordinary meanes, haue come by the knowledge of their values; ſo as, both Wee haue receiued leſſe then otherwiſe Wee ſhould haue done, and the Ward found little eaſe in many caſes.

Where-

Wherefore, for the preuenting of these and the like inconueniences, and to the end that Our louing Subiects may stand assured, That Wee desire nothing more, then that their Children and their Lands, that shall fall vnto Vs by reason of Wardship, might after their decease, bee committed to their neerest and trustiest friends, or to such as they by Will, or otherwise, shall commit the charge vnto, vpon such valuable considerations, as are iust and reasonable : And to the intent that the Parents and Auncestours, may depart in greater Peace, in hope of this Our gracious fauour ; and their friends may see their Children brought vp in pietie and learning ; and may take such care as is fit, for the preseruation of their inheritance (if they will seeke the same in time, and by such meanes as are fit and conuenient) Wee haue thought good heereby to require you, the Master and Councell of Our said Court, and the Master and Councell of the sayd Court for the time being, that in disposing and committing of the Custody of the bodies

dies and Lands of ſuch Our Wards, whoſe Anceſtours haue deceaſed ſince the ninth day of Ianuary laſt paſt, or ſhal die from and after the date of theſe preſents, and of ſuch Ideots and Lunatickes, and their eſtates, as ſhall fall vnto vs from henceforth, you ſtrictly and carefully obſerue theſe our directions following.

FIRST, That no Graunt or promiſe bee made of the cuſtodie of the body or lands of any Ward, nor any compoſition for the ſame, vntill the end of one moneth next after the death of the Anceſtour of the Ward, to the end that the neereſt and truſtieſt friends of the Anceſtours, or other perſons nominated by the Anceſtour in that behalfe, may in the meane time become Sutors for the ſame, among whom choice may bee made of the beſt and fitteſt.

ALſo you ſhall do your beſt endeuour to informe your ſelfe as particularly as you may, by commiſſion, ſuruey, or otherwiſe,

wiſe of the trueth of the Wards eſtate, as well of his inheritance as of his goods and chattels, and of the eſtate of the deceaſed Anceſtour, and of all other due circumſtances conſiderable, to the end the compoſitions may be ſuch, as may ſtand both with Our reaſonable profit, and with the abilitie of the heires eſtate.

THat all ſales and compoſitions for Wardſhips of the bodies, and leaſes of lands, bee made by the Maſter of the ſaide Court, and by ſuch perſons as are authorized by Statute in that behalfe. Neuertheles, the Surueyour of the Liueries, the Atturney of the Wards, Receiuer and Auditours, or any foure of them without the Maſter, may treat with any to bring the ſaid Wardſhips and Leaſes to a price, openly in the Counſell Chamber of the Court of Wards, and acquaint the Maſter therewith, in whoſe power it ſhall be to allow or diſalow of the ſame according to the ſaid Statute.

THat no Wardſhip of the body or land ſhall bee giuen or granted to any perſon,

ſon, or at his ſuite, in way of reward or benefite, but the beſt price and value that ſhall be offered, ſhall bee taken to Our vſe: ſo alwaies as the neereſt and truſtieſt friends, or the perſons nominated by the Anceſtour, (they ſeeking the ſame in time conuenient as aforeſaid, and making fit offer for it) bee preferred, and conſideration had of the Wards Eſtate, and of all due Circumſtances conſiderable in ſuch caſes.

THat Leaſes of Wards Lands bee made without Fine, for the beſt improoued yeerely Rent that ſhall bee offered, conſideration beeing had of all due Cautions, as aforeſaid.

THat fellable Woods, and Fines of Copy-holds of Inheritance, be alſo reaſonably valewed and demiſed with the Lands, for the beſt yerely Rent as aforeſaid: with prouiſion for fellable Woods, that the Leſſees fell them by fit portions.

THat Fines for Copy-holds for Liues, bee made and raiſed to Our vſe, when

 and

and as often as the Court ſhall thinke good, by certaine particular Commiſſioners to be appointed by the Maſter and Counſell of our ſaid Court, which Commiſſioners ſhall be charged to make the beſt of ſuch Copieholds to bee granted, and truly to anſwere vnto Vs, into Our receipt of Our ſaid Court, all ſuch ſummes, without fraude or couine, as by them ſhall haue beene receiued, due conſideration being had of their paines and expences.

THat you obſerue the like rules, orders, cautions, and conſiderations, as well for Our profit, as otherwiſe, in committing and diſpoſing of the Lands, fellable woods, Fines of Copyholds of inheritance, or for liues of Ideots, as by theſe Preſents are preſcribed for Wards reſpectiuely, according to the nature of the caſe: Giuing to their friends that will take charge of them, ſuch competent allowance for their maintenance out of the eſtates of ſuch Ideots, as the ſame will beare.

But

BVt touching Lunatickes, Let no composition bee taken, for the committing of them or their estates: but let such care be had therein, as they may bee freely committed to their best and neerest friends, that can receiue no benefit by their death, and the Committees bound to answere, not only the values found by office, but the very iust value of their Estates vpon Account, for the benefit of such Lunatick (if hee recouer) or of the next heire; due regard beeing had to the paines and charges of such Committees, in keeping, maintaining, gouerning, and curing of the said distracted Persons.

ANd because Our purpose in this course which now is taken, is to raise with as little grieuance as may bee to Our louing Subiects, that reasonable benefite which ought to come vnto Vs by the mariages of Our Wards, & by the Leases of their Lands, (whereof a great part hath beene diuerted by Graunts to Committees, and otherwise) Wee doe heereby declare, That it is not Our

meaning to change the courſe that hath beene formerly helde and vſed in finding Offices, nor to preſſe the raiſing or improouing of any Values or Rates in any Inquiſitions ; neither will Wee haue the Rents which ſhall bee reſerued vpon ſuch Leaſes, or any ſuch Certificates, Informations, or Inſtructions, as ſhall by any meanes bee giuen or appeare, of the values of ſuch Wards Lands or Eſtates, to be tranſcripted or tranſmitted to any other Court, Office, place or perſon, or admitted or vſed as Preſident, Euidence, or Inducement, to charge Our Subiects in any other payments, now or hereafter anſwerable vnto Vs, Our Heires or Succeſſours, or for any other cauſe.

AND further, foraſmuch as Wee haue a good while ſince perceiued by you the Maſter of the ſaid Court, that you are not only ready and deſirous, to imploy the vttermoſt of your cares and endeauours, for purſuing and effecting Our Directions, aſwell ſuch as ſhould concerne the increaſe of Our Profit, as thoſe that ſhould concerne

cerne the ſafety and preſeruation of their Eſtates, that are in this ſort to be protected by Vs ; but are likewiſe moſt deſirous in this time of our vrgent neceſsitie, that it may appeare, aſwell to the whole world, as it is ſetled in your owne conſcience, that you are reſolued to forgoe and abandon all that benefite that might heereafter ariſe to your ſelfe, or to any other, by any ſuch Fines or Compoſitions, notwithſtanding any thing that hath beene taken or challenged, by all the Maſters of the ſayd Court by continued Cuſtome, vſe, and preſcription, euer ſince the erection thereof ; Wee haue thought good to require you, and ſo Wee doe authorize you heereby, that you giue order, that euery perſon that ſhall proſecute ſuch Compoſition, for the cuſtody of a Ward, Ideot, or Lunatike, or Leaſe of their Land, or other Eſtate, ſhal before any Grant of the Body, or Leaſe of the Lands bee deliuered vnto him vnder the Seale of our ſayd Court, take his corporall Oathe in open Court, or by Commiſsion (if the cauſe ſhall ſo require) before three Commiſſioners at the

leaſt

leaſt, whereof one to bee a Iuſtice of the Peace, to bee certified and returned into the Court, before the deliuery of ſuch Grant or Leaſe in maner and forme following. Viz.

I A. B. doe ſweare, that neither I, nor any other to my knowledge, haue or hath giuen, or promiſed, procured, or conſented to giue or to bee giuen, any gift or reward, directly or indirectly, vnto any Officer or Officers of the Court of Wardes and Liueries, or to any other perſon or perſons whatſoeuer, for procuring any preferment to Compound before another, or for mitigation in the price or payment, in any Compoſition or Contract made or to bee made, for the Wardſhippe of the Body of I. S. his Maieſties Warde, and the Leaſe of any the ſayd Wardes Lands, or for

any

any of them. And that I will not giue, nor any with my consent shall giue, or consent to bee giuen, any gift or reward, directly or indirectly, for the causes aforesaid, or any of them: So helpe me God.

NEuertheleſſe, Wee are well pleaſed and contented, that if any Wardſhip, Leaſe of land, meane rates, before or after full age, now bee, or hereafter ſhalbe concealed from vs, or if no ſuit ſhalbe made within one yere next after our Tenants death, for ſuch Wardſhip or Leaſe, or if vpon ſuit made within the yeere, an office be found againſt Vs, or the finding of the office vnneceſſarily protracted after the yeere expired, without iuſt cauſe allowed by the Court, that in ſuch caſes the Maſter may admit any fit perſon whatſoeuer, that ſhall make offer to diſcouer our right ſo concealed, or ſought to be concealed, or ſuppreſſed (vpon good matter of proofe ſhewed for vs and approoued by the Court) to proſecute the finding of an office,

office, and to passe the saide Wardship, Lease or mean rates, without restraining or binding the said Court, or the partie prosecuting, to the directions aboue entioned: but that the Master of the saide Court may according to the parties trauaile, expences, aduenture and seruice done vnto Vs, reward him by graunt of such Wardship, Lease or meane rates, in such sort as others may be encouraged to imploy themselues in the like seruice, and all deuices and practises to deceiue and defraud Vs of Our due and iust right, bee better preuented, any thing in these Our Instructions or Directions to the contrary notwithstanding.

Prouided alwaies, and so We doe hereby declare it to bee Our Will and Pleasure, that where it shall appeare to you, that neither Wee nor Our Progenitours haue enioyed any benefit, by Wardship, Liuerie, Primer seisin, reliefe, respite of homage, Fines, or meane rates of any lands, within the space of threescore yeres last past, where such benefit ought to haue come to the crowne if such Tenure had beene acknowledged,

in

In ſuch caſes Wee are pleaſed to giue you power and authority, to remit and releaſe, al ſuch benefit, and profit, as hath or ought to haue accrued vnto Vs, or Our Progenitours, by reaſon of any ſuch Tenure; allowing to ſuch perſons as haue proſecuted, in our behalfe, ſuch part thereof, as ſhall ſeeme good in your diſcretion, not exceeding a third part of the whole, as the ſame ſhall be found by Inquiſition, ſauing to Vs, Our Heires and Succeſſours, the right and inheritance of Our Tenure, and ſauing Our Prerogatiue, and the benefit and profit of ſuch Tenures of Vs, or our Progenitours, as doe expreſly appeare by matter of Record, and alſo ſuch as haue beene created, or otherwiſe come vnto Vs, within the ſame time of threeſcore yeeres.

AND now, as Wee haue ſo ſufficiently directed you, as Wee make little doubt but you will be carefull of Our profit, in the execution of your place; ſo neuertheleſſe, We let you likewiſe know hereby, That ſeeing Our owne iudgement tells Vs, that there

may fall into your consiserations, many circumstances which must guide you, in assessing the Fines for the marriages of Our Wards, and renting of their Lands, some arising either out of the broken estate of the deceased, want of prouision for his wife, his great charge of children vnprouided for, infirmitie or tendernesse of the Heire, vncertaintie of the Title, or greatnesse of incumbrance vpon the Land; so as some Heire, that may in respect of his degree, or blood, or liuing, in opinion of the world, be iudged to deserue a greater Fine or Rent, then some other person more obscure, may yet in regard of the causes aboue mentioned, or some other of like sort, bee lesse fit to haue any great charge laid vpon him: Wee doe therefore, notwithstanding any thing conteined in these Our Instructions, giue you full liberty, that as these, or any other the like considerations shall offer thēselues vnto you, you may vse that good discretion and conscience which is fit, in mittigating or abating the Fines or Rents, vpon the saide Graunts or Leases, to the reliefe of such necessities:

ceſſities: So alwayes as care bee taken, that by any ſuch pretences, that profit which ſhould accrue vnto Vs, be not diuerted to any others, that ſhall ſeeke to draw to themſelues a priuate benefit out of this Our gracious care and conſideration.

LAſtly Our Will and pleaſure is, and Wee doe hereby direct and authorize you the Maſter and Counſell of Our ſaid Court, and the Maſter and Counſell of the ſame for the time beeing, that with the aduice of Our Iudges, Aſſiſtants of Our ſaid Court, you diligently examine, ſearch out and reforme all fraudulent deuices and practiſes, deuiſed or to be deuiſed and put in vre, to deceiue or defeat Vs of Our Wardſhips, or Leaſes of Our Wards Lands, or of any due or iuſt benefit belonging vnto Vs, by reaſon of Our Tenures. In Witneſſe whereof, We haue cauſed theſe Our Letters to be made Patents.

Witneſſe Our ſelfe at Weſtminſter, the 7. day of February, in the eight yeere of Our Reigne of England, France, and Ireland, and of Scotland the foure and fortieth.

CERTAINE Additions of Instructions and Directions in Our Court *of Wards and Liueries.*

6. Nouembris 1617.

1 THAT all Petitions for Compositions of Wardships (*and Leases*) be presented and ordered at the Counsel Chamber of the Court of Wards, at the seuerall sittings for the Wards.

2 That euery such petition doe expresse the seuerall Counties wherein the Ancestor died seized of Lands.

3 That the rate and summe agreed vpon by the Commissioners for the Composition

ſition of any Ward (*or Leaſe*) doe ſtand and be not abated in the Compoſition, neither in the Fine nor Rent.

4 That no Office be found within the yeere after the death of the Anceſtor againſt the King, or a meane tenure of the King (*not being Knights ſeruice*) for any Ward within age, vntill the Feodary or Eſcheator doe firſt acquaint the Court for further directions therein (*which the Feodary is enioyned to doe with all conuenient expedition.*)

5 That not onely euery Committee (*and Leſſee*) but euery Aſſignee of any Committee (*or Leſſee*) ſhall take the Oath, viz. &c. and for that purpoſe euery Committee (*and Leſſee*) and aſſignee ſhalbe ſworne, whether he taketh it to his own vſe, or to the vſe of any other, to the end they may both take the Oath.

6 That eſpeciall choiſe be taken of the Commiſſioners, that take the Oath in the Countrey, ſo that the Oath may be truely and fully taken by the Committees (*Leſſees*)

and Assignees and the parties, committing trust to any other.

¶ That this Clause be added to the Oath, *Viz.*

Or for the mittigation of the yeerely value of the Lands of any such Ward.

THat euery Feodary and Escheator before the third returne of euery Terme, shall certifie into the Court a note of all Offices found in the Vacation next before, and whether a Tenure bee found for the King in Capite, or by Knights seruice, and the names of the Ancestor, and Heire, and his age.

That the Oath be taken by those that are Committees or Lessees vpon neglect in *hæc Verba.*

I A. B. *Doe sweare, that neither I, nor any other to my knowledge, or as I beleeue or haue heard, haue or hath taken any Course, or vsed any Practize, or Combination directly or indirectly, by my*

my ſelfe or by any other, with any perſon or perſons whatſoeuer, to ſtay or hinder the proſecution, of or for the Compoſition for the Wardſhip of the Body of D.C. or the Leaſe of any the ſaid Wards Lands, with any purpoſe or intent whatſoeuer, that the ſaid Wardſhip and Leaſe, or either of them by ſuch neglect and default of proſecution, might come to me, or to any other to my vſe, or by my meanes or procurement, or to my knowledge, So helpe me God.